

1 ALLEN MATKINS LECK GAMBLE
 2 MALLORY & NATSIS LLP
 3 STEPHEN S. WALTERS (BAR NO. 54746)
 4 MAKESHA A. PATTERSON (BAR NO. 238250)
 5 Three Embarcadero Center, 12th Floor
 6 San Francisco, CA 94111-4074
 7 Phone: (415) 837-1515
 8 Fax: (415) 837-1516
 9 E-Mail: swalters@allenmatkins.com
 10 mpatterson@allenmatkins.com

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 12 Attorneys for Defendant
 13 KNICKERBOCKER PROPERTIES, INC. XXXVIII

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 15
 16 UNITED STATES DISTRICT COURT
 17
 18 NORTHERN DISTRICT OF CALIFORNIA

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 21 National Fair Housing Alliance, Inc.; Fair
 22 Housing of Marin, Inc.; Fair Housing Napa
 23 Valley, Inc.; Metro Fair Housing Services, Inc.;
 24 and Fair Housing Continuum, Inc.,

25 Plaintiffs,

26 v.

27 A.G. Spanos Corporation, Inc.; A.G. Spanos
 28 Development, Inc.; A.G. Spanos Land
 29 Company, Inc.; A.G. Spanos Management, Inc.;
 30 The Spanos Corporation; and

31 Knickerbocker Properties, Inc. XXXVIII; and
 32 Highpointe Village, L.P., Individually and as
 33 Representatives of a Class of All Others
 34 Similarly Situated,

35 Defendants.

36 Case No. C07-03255-SBA

37 **AMENDED NOTICE OF MOTION AND
 38 MOTION OF DEFENDANT
 39 KNICKERBOCKER PROPERTIES, INC.
 40 XXXVIII TO DISMISS PLAINTIFFS' FIRST
 41 AMENDED COMPLAINT**

42 [Fed. R. Civ. P. 12(b)(6)]

43 Date: March 11, 2008

44 Time: 1:00 p.m.

45 Ctrm: 3

46 Amended Complaint Filed: October 12, 2007

1 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on March 11, 2008, at 1:00 p.m., or as soon thereafter as
 3 the matter may be heard in the above-entitled court, located at 1301 Clay Street, 3rd Floor,
 4 Courtroom 3, Oakland, California, Defendant Knickerbocker Properties, Inc. XXXVIII
 5 ("Knickerbocker") will, and does, hereby move pursuant to Rule 12(b)(6) of the Federal Rules of
 6 Civil Procedure, for an order dismissing the claims of Plaintiffs National Fair Housing Alliance,
 7 Inc., Fair Housing of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair Housing Services,
 8 Inc., and Fair Housing Continuum, Inc. (collectively "Plaintiffs") against Knickerbocker.

9 This Motion is made on the grounds that Plaintiffs' claim against Knickerbocker fails to
 10 state a claim upon which relief can be granted, and Plaintiffs' complaint fails to allege facts
 11 sufficient to establish standing to bring this lawsuit.

12 This Motion is based on this Notice of Motion and Motion, the Memorandum of Points
 13 and Authorities previously filed on December 21, 2007 in support of this Motion, the complete file
 14 and records of this action, and such other oral and documentary evidence as may be presented at
 15 the hearing on this Motion.

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 17 Dated: January 7, 2007

ALLEN MATKINS LECK GAMBLE
 MALLORY & NATSIS LLP

19 By: /s/ Stephen S. Walters
 20 STEPHEN S. WALTERS
 21 MAKESHA A. PATTERSON
 22 Attorneys for Defendant Knickerbocker
 23 Properties, Inc. XXXVIII